



DENMARK

Does the country or institution have their own list of designated, banned, or proscribed groups?

Yes.

What type of system does the country or institution use?

Political proscription. Article 78 of Danish constitution states that “Associations employing violence, or aiming at the attainment of their object by violence, by instigation to violence, or by similar punishable influence on persons holding other views, shall be dissolved by court judgement.”⁹¹ Decisions to proscribe are justifiable in the Danish courts.

In recent years, the use of the law has mainly been confined to gangs (such as the 2020 ban of Loyal to Familia,⁹² the only contemporary organisation in Denmark to face proscription) and Islamist organisations, such as Hizb ut-Tahrir, which has been under intensified surveillance since 2008.

What is the definition of “terrorism” the country or institution employs?

Section 114 in the Criminal Code punishes “terrorist crimes.” This includes financing, providing training/ education conducive to terrorism, and travel to designated “terrorist areas”.

Terrorist crimes are described as follows: “For terrorism, imprisonment for life is punishable for anyone who, with intent to intimidate a population, severely or unjustifiably to force Danish or foreign public authorities or an international organisation to commit or fail to commit an act, or to destabilise or destroy a country or the fundamental political, constitutional, economic or societal structures of an international organisation, commit one or more of the following acts, where the act, by virtue of its nature or the context in which it is committed, may cause serious harm to a country or international organisation:

- 1) Manslaughter under § 237 .
- 2) Serious violence under § 245 or § 246 .
- 3) Detention under section 261 .
- 4) Disruption of traffic safety pursuant to section 184, subsection 1 , unlawful disturbances in the operation of ordinary means of transport, etc. pursuant to section 193, subsection 1 , or gross vandalism pursuant to section 291, subsection 2 , if these violations are committed in a way that could endanger human life or cause significant financial loss.
- 5) Hijacking of means of transport pursuant to section 183 a .
- 6) Violations of the legislation on weapons and explosives in particularly aggravating circumstances pursuant to section 192 a .
- 7) Arson pursuant to section 180, blasting, dispersal of harmful gases, flooding, shipwreck, railway or other transport accident pursuant to section 183, subsection 1 and 2 , hazardous pollution of the water supply pursuant to section 186, subsection 1, hazardous pollution of things intended for general distribution, etc. pursuant to section 187, subsection 1.
- 8) Possession or use, etc. of radioactive substances pursuant to section 192 b .”
 - o Provisions of Paragraphs 114(c) and 114(d) criminalize recruitment and training in relation to crimes under Sections 114 to 114(b). Section 114(e) contains a provision on criminal liability for those who otherwise promote the activities of a person, group or association who commits or intends to commit acts covered by Paragraphs 114 to 114(d).

⁹¹ [The Constitution Act of Denmark](#), Government of Denmark.

⁹² [Loyal to Familia is dissolved according to § 78 of the Basic Law](#), Copenhagen Police, 2020.





<p>How does the designation process relate to the relevant authority's definition of terrorism?</p>	<p>There is no relationship between the proscription process and the country's definition of terrorism because proscription is based on the Danish constitution relating to an association's use of violence.</p>
<p>Does the country follow UN or EU (if relevant) designation lists and sanctions?</p>	<p>Yes, the EU and UN lists.</p>
<p>Does designation have an effect on the online realm? Is content created by terrorist groups illegal?</p>	<p>The Danish government recently proposed legislation which would impose removal deadlines for and large fines to social media platforms that do not swiftly remove content relating to illegal activity (including terrorist propaganda).⁹³ However, it is unclear whether this will be connected to the designation lists Denmark relies on. It is more likely the law will judge on the nature of the content rather than its source which may nonetheless remit to tech companies the responsibility of adjudicating what constitutes terrorist content.</p>
<p>Is online content that incites acts of terrorism illegal?</p>	<p>Section 114(e) of criminal code contains a provision on criminal liability for those who otherwise promote the activities of a person, group or association who commits or intends to commit acts covered by Paragraphs 114 to 114(d). There is no specific mention of online content, leaving the inclusion of online content that promotes terrorism open to interpretation. The proposed legislation mentioned above would make terrorist propaganda illegal and force tech companies to remove this content or face large fines. The definition of terrorist propaganda is not currently clear.</p>
<p>Is online content that supports designated terrorist groups illegal?</p>	<p>Not currently. It is likely this content would be illegal under the new legislation, but this will depend on how exactly terrorist propaganda is defined.</p>
<p>Is there a sufficient balance between far-right and violent Islamist groups and individuals?</p>	<p>No, Denmark adheres to the EU/UN designation lists, neither of which has designated any extreme far-right groups.</p>
<p>Are there human rights-compliant mechanisms in place for delisting a group?</p>	<p>There does not appear to be an appeals process for political proscription that would help protect human rights. However, as stated in the constitution governments cannot dissolve associations and cases must be decided by the Supreme Court.</p>

⁹³ [Why have governments been so slow to remove illegal social media posts?](#), Sarah Manavis, New Statesman, 2022.





<p>What are the weaknesses in the designation process?</p>	<ul style="list-style-type: none"> • Denmark relies on EU/UN lists so does not have its own formal designation process in place resulting in a lack of autonomy in this area. Supranational lists are the object of familiar criticisms, including a lack of transparency in their inclusion policies and a bias towards designation of Islamist extremist groups over extreme far-right groups (See our EU/UN profiles). • While organisations in Denmark can face political proscription, this is a measure confined to the use of violence within Denmark. Hence this law is not focused on international terrorist acts so is not a suitable framework for expanding designation. • Denmark does not have any legislation that explicitly refers to online terrorist content or indeed attempts to define it. Proposed legislation is likely to address this gap. • There is a disconnect between designated terrorist organisations (EU/UN list) and the legality of their official content online.
<p>What do we recommend?</p>	<ul style="list-style-type: none"> • We recommend developing a definition of online terrorist content as part of the new legislation, ensuring it considers official content produced by designated terrorist groups. This would provide tech companies with legal grounding for countering terrorist use of the internet. • Alongside online regulation, the establishment of a regulatory body should be considered to provide more clarity for tech companies on practical steps tech companies can take to identify and remove illegal terrorist content. The regulator would also have punitive measures available to enforce compliance. • In addition to online regulation and a regulator, we propose considering an independent 'classification office' where material from designated groups and content falling under the definition of terrorist content can be considered and classified. Based on the definition of online terrorist content, counterterrorism experts alongside civil society representatives would adjudicate on the legality of specific pieces of content. This would provide additional clarity for tech companies. • Depending on EU/UN progress in this area, Denmark should consider developing national designation processes in addition to EU/UN lists to consider entities that threaten national security, especially with reference to extreme far-right groups. • We advise including civil society representatives, counterterrorism specialists, and human rights lawyers in designating or delisting relevant entities. • We recommend designating extreme far-right groups or lone actors who have committed an attack and making their content, such as manifestos, illegal. This would tie designation to online regulation, ensuring that governments set the norms on what is legal and illegal speech rather than tech companies making adjudications of content by reference to vague definitions. • We advise keeping records so that the designation of groups, actors, or content happens transparently and a system whereby such records can be made available for judicial oversight.
<p>Further information and comments</p>	

